

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JULIO R. AYALA and MIRNA AYALA,  
individually and as Administrators of the  
Estate of Julio A. Ayala,

No. C 06-02061 WHA

Plaintiffs,

v.

CITY OF SOUTH SAN FRANCISCO,  
SOUTH SAN FRANCISCO POLICE  
DEPARTMENT, CHIEF MARK  
RAFFAELLI, OFFICER MIKE KUCHAC,  
OFFICER JANELLE PEREZ, CORPORAL  
BRUCE McPHILLIPS, OFFICER DAVID  
BERRY, CORPORAL DANNY GIL,  
OFFICER MELINDA LOPEZ, CORPORAL  
KEN CHETCUTI, SERGEANT RON  
CARLINO, CORPORAL DAVE KENNAN,  
OFFICER CHRIS DEVAN, OFFICER MATT  
McNICHOL, OFFICER ADAM PLANK,  
OFFICER ROBBY CHON, and DOES 1 to 50,  
inclusive,

**ORDER APPROVING STIPULATED  
PROTECTIVE ORDER SUBJECT  
TO STATED CONDITIONS**

Defendants.

The stipulated protective order submitted by the parties is hereby **APPROVED**, subject to  
the following conditions:

1. The parties must make a good-faith determination that any  
information designated “confidential” warrants protection under Rule 26(c) of the  
Federal Rules of Civil Procedure. Designations of material as “confidential” must  
be narrowly tailored to include only material for which there is good cause. A

1 pattern of over-designation may lead to an order de-designating all or most  
2 materials on a wholesale basis.

3 2. In order to be treated as confidential, any materials filed with the  
4 Court must be lodged with a request for filing under seal in compliance with Civil  
5 Local Rule 79-5. Please limit your requests for sealing to only those  
6 narrowly-tailored portions of materials for which good cause to seal exists.  
7 Please include all other portions of your materials in the public file and  
8 clearly indicate therein where material has been redacted and sealed. Each filing  
9 requires an individualized sealing order; blanket prospective authorizations are no  
10 longer allowed by Civil Local Rule 79-5.

11 3. Chambers copies should include all material — both redacted and  
12 unredacted — so that the chambers staff does not have to re-assemble the whole  
13 brief or declaration. Although chambers copies should clearly designate which  
14 portions are confidential, chambers copies with confidential materials will be  
15 handled like all other chambers copies of materials without special restriction, and  
16 will typically be recycled, not shredded.

17 4. Any confidential materials used openly in court hearings or trial  
18 will not be treated in any special manner absent a further order.

19 5. This order does not preclude any party from moving to  
20 de-designate information or documents that have been designated as confidential.  
21 The party seeking to designate material as confidential has the burden of  
22 establishing that the material is entitled to protection.

23 6. The Court will retain jurisdiction over disputes arising from the  
24 proposed and stipulated protective order for only 90 days after final termination  
25 of the action.

26 **IT IS SO ORDERED.**

27 Dated: February 13, 2007

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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE